

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

**In re: Valsartan Products Liability
Litigation**

MDL No. 2875

Honorable Robert B. Kugler,
District Court Judge

This document relates to:

James Townsend

Honorable Joel Schneider,
Magistrate Judge

SHORT FORM COMPLAINT

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint and Jury Demand in In re: Valsartan Products Liability Litigation*, MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, and 13 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

I. IDENTIFICATION OF PLAINTIFF(S)

1. Name of individual who alleges injury due to use of a valsartan-containing drug: James Townsend

2. This claim is being brought on behalf of

- ☐ Myself
☒ Someone else

a. If I checked, "someone else", this claim is being brought on behalf of: _____

b. My relationship to the person in 2(a) is: Legal Representative

3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: Earlene Townsend

4. County and state of residence of Plaintiff or place of death of Decedent: _____
Residence - Lee County, Florida

5. If a survival and/or wrongful death claim is asserted:

a. Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.): _____
N/A

II. IDENTIFICATION OF DEFENDANTS

1. Plaintiff(s) bring claims against the following Defendants:

*(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)*

i. API Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|--|--|-----------|
| <input checked="" type="checkbox"/> | API Manufacturer | Aurobindo Pharma, Ltd. | Foreign |
| <input checked="" type="checkbox"/> | API Manufacturer Parent Corporation | Hetero Drugs, Ltd. | Foreign |
| <input checked="" type="checkbox"/> | API Manufacturer | Hetero Labs, Ltd. | Foreign |
| <input checked="" type="checkbox"/> | API Manufacturer | Mylan Laboratories Ltd. | Foreign |
| <input checked="" type="checkbox"/> | API Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input checked="" type="checkbox"/> | API Manufacturer | John Doe | N/A |

ii. Finished Dose Manufacturers

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|----------------------------|--|-----------|
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Arrow Pharm (Malta) Ltd. | Foreign |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Aurolife Pharma, LLC | NJ |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Hetero Labs, Ltd. | Foreign |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Mylan Pharmaceuticals Inc. | WV |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Teva Pharmaceutical Industries Ltd. | Foreign |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Torrent Pharmaceuticals, Ltd. | Foreign |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | John Doe | N/A |

iii. Repackagers, Labelers, and Distributors

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|---|---|-----------|
| <input checked="" type="checkbox"/> | Labeler/ Distributor | Aceteris, LLC | NJ |
| <input checked="" type="checkbox"/> | Finished Dose Distributor | Actavis LLC | NJ |
| <input checked="" type="checkbox"/> | Finished Dose Distributor | Actavis Pharma, Inc. | NJ |
| <input checked="" type="checkbox"/> | Repackager | A-S Medication Solutions, LLC | NE |
| <input checked="" type="checkbox"/> | Finished Product Distributor | Aurobindo Pharma USA, Inc. | NJ |
| <input checked="" type="checkbox"/> | Repackager | AvKARE, Inc. | TN |
| <input checked="" type="checkbox"/> | Repackager | Bryant Ranch Prepack, Inc. | PA |
| <input checked="" type="checkbox"/> | Labeler/Distributor | Camber Pharmaceuticals, Inc. | NJ |
| <input checked="" type="checkbox"/> | Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals | Cardinal Health, Inc. | OH |
| <input checked="" type="checkbox"/> | Repackager | The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals | MI |
| <input checked="" type="checkbox"/> | Repackager | H J Harkins Co., Inc. | CA |
| <input checked="" type="checkbox"/> | API Distributor | Huahai U.S. Inc. | NJ |

| | | | |
|-------------------------------------|--------------------------------|---------------------------------|-----|
| <input checked="" type="checkbox"/> | Repackager | Northwind Pharmaceuticals | IN |
| <input checked="" type="checkbox"/> | Repackager | NuCare Pharmaceuticals, Inc. | CA |
| <input checked="" type="checkbox"/> | Repackager | Preferred Pharmaceuticals, Inc. | CA |
| <input checked="" type="checkbox"/> | Repackager | RemedyRepack, Inc. | PA |
| <input checked="" type="checkbox"/> | Finished Dose Distributor | Solco Healthcare U.S., LLC | NJ |
| <input checked="" type="checkbox"/> | Finished Dose Distributor | Teva Pharmaceuticals USA, Inc. | PA |
| <input checked="" type="checkbox"/> | Finished Dose Distributor | Torrent Pharma, Inc. | NJ |
| <input checked="" type="checkbox"/> | Labeler/Distributor/Repackager | John Doe | N/A |

iv. Wholesaler Defendants

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|----------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | Wholesaler | AmerisourceBergen Corporation | PA |
| <input checked="" type="checkbox"/> | Wholesaler | Cardinal Health, Inc. | OH |
| <input checked="" type="checkbox"/> | Wholesaler | McKesson Corporation | TX |
| <input checked="" type="checkbox"/> | Wholesaler | John Doe | N/A |

v. Pharmacies

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|--|---------------------------------|-----------|
| <input checked="" type="checkbox"/> | Pharmacy | Albertsons Companies, LLC | ID |
| <input checked="" type="checkbox"/> | Parent Corporation for Express Scripts, Inc. and Express Scripts Holding Co. | Cigna Corporation | CT |
| <input checked="" type="checkbox"/> | Pharmacy | CVS Health | RI |
| <input checked="" type="checkbox"/> | Parent Corporation for Express Scripts, Inc. | Express Scripts Holding Company | MO |
| <input checked="" type="checkbox"/> | Pharmacy | Express Scripts, Inc. | MO |
| <input checked="" type="checkbox"/> | Parent Corporation for Humana Pharmacy, Inc. | Humana Inc. | KY |
| <input checked="" type="checkbox"/> | Pharmacy | Humana Pharmacy, Inc. | KY |
| <input checked="" type="checkbox"/> | Pharmacy | The Kroger Co. | OH |
| <input checked="" type="checkbox"/> | Pharmacy | OptumRx | CA |
| <input checked="" type="checkbox"/> | Parent Corporation for OptumRx | Optum, Inc. | MN |

| | | | |
|-------------------------------------|--|--------------------------|-----|
| <input checked="" type="checkbox"/> | Pharmacy | Rite Aid Corp. | PA |
| <input checked="" type="checkbox"/> | Parent Corporation for OptumRx and Optum, Inc. | UnitedHealth Group | MN |
| <input checked="" type="checkbox"/> | Pharmacy | Walgreens Boots Alliance | IL |
| <input checked="" type="checkbox"/> | Pharmacy | Walmart Inc. | AR |
| <input checked="" type="checkbox"/> | Pharmacy | John Doe | N/A |

vi. FDA Liaisons

| | Defendant Role | Defendant Name | HQ States |
|-------------------------------------|----------------|------------------------------|-----------|
| <input checked="" type="checkbox"/> | FDA Liaison | Hetero USA, Inc. | NJ |
| <input checked="" type="checkbox"/> | FDA Liaison | Prinston Pharmaceutical Inc. | NJ |
| <input checked="" type="checkbox"/> | FDA Liaison | John Doe | N/A |

III. JURISDICTION AND VENUE

7. Jurisdiction is based on:

- ☒ Diversity of Citizenship
☐ Other as set forth below: _____

8. Venue: District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing Order entered by this Court: Federal District Court Middle District of Florida

IV. PLAINTIFF'S INJURIES

9. Injuries: Plaintiff was diagnosed with the following type of cancer:

| | | | |
|--------------------------|------------|--------------------------|------------|
| <input type="checkbox"/> | Liver | <input type="checkbox"/> | Kidney |
| <input type="checkbox"/> | Stomach | <input type="checkbox"/> | Colorectal |
| <input type="checkbox"/> | Pancreatic | <input type="checkbox"/> | Esophageal |

☐

CAUSES OF ACTION

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

- | | | |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | Count I: | Strict Liability – Manufacturing Defect |
| <input checked="" type="checkbox"/> | Count II: | Strict Liability – Failure to Warn |
| <input checked="" type="checkbox"/> | Count III: | Strict Liability – Design Defect |
| <input checked="" type="checkbox"/> | Count IV: | Negligence |
| <input checked="" type="checkbox"/> | Count V: | Negligence Per Se |
| <input checked="" type="checkbox"/> | Count VI: | Breach of Express Warranty |
| <input checked="" type="checkbox"/> | Count VII: | Breach of Implied Warranty |
| <input checked="" type="checkbox"/> | Count VIII: | Fraud |
| <input checked="" type="checkbox"/> | Count IX: | Negligent Misrepresentation |
| <input checked="" type="checkbox"/> | Count X: | Breach of Consumer Protection Statutes of the state(s) of: <u>Florida</u> |
| <input type="checkbox"/> | Count XI: | Wrongful Death |
| <input type="checkbox"/> | Count XII: | Survival Action |
| <input checked="" type="checkbox"/> | Count XIII: | Loss of Consortium |
| <input checked="" type="checkbox"/> | Count XIV: | Punitive Damages |
| <input type="checkbox"/> | Other State Law Causes of Action as Follows: | |

12. **Fraud Count:** Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here: _____

13. Express Warranty Count: Plaintiff adopts, incorporates, and relies upon the Allegations made in the Master Complaint. Any additional Plaintiff-specific Allegations as to the Express Warranty Count must be set forth here:

14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

Dated: 9/24/19

/s/ Laurie H. Anton, Esquire_____
Laurie H. Anton, Esquire
Marc L. Shapiro, P.A.
720 Goodlette Road N.
Suite 304
Naples, FL 34102
Telephone:(239) 649-8050
Fax: (239) 649-8057
laurie@attorneyshapiro.com
service@attorneyshapiro.com
Counsel for Plaintiffs

/s/Kenneth G. Gilman, Esq.
Kenneth G. Gilman, Esq.
GILMAN LAW, LLP
Beachway Professional Center Tower
8951 Bonita Beach Road, S.E., Suite 525
Bonita Springs, FL 34135
Telephone: (781) 307-2526
kgilman@gilmanlawllp.com
Counsel for Plaintiffs